

# Notice of Allowability

Application No.

10/036,918

Examiner

Abdel A. Mohamed

Applicant(s)

SRINIVASAN ET AL.

Art Unit

1653

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and response to the restriction requirement filed 2/3/05.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/21/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

#### **ACKNOWLEDGMENT OF PRIORITY, AMENDMENT, IDS, RESPONSE TO RESTRICTION REQUIREMENT, STATUS OF THE APPLICATION AND CLAIMS**

1. This application is filed under 35 U.S.C. 371 on 12/21/01 having a filing date of 06/22/00 of PCT/US00/17509. Acknowledgement is made of Applicant's claim priority based on Provisional Application Nos. 60/140,913 and 60/213,066 having a filing date of 06/24/99 and 06/21/00, respectively. The information disclosure statement (IDS) and form PTO-1449 filed 3/21/02, substituted specification filed 3/28/02, preliminary amendment filed 10/18/04, amendment and response to the restriction requirement filed 2/3/05, respectively are acknowledged, entered and considered. In view of Applicant's request claims 15-22 have been canceled. Claims 1-14 is now pending in the application.

#### **ELECTION WITHOUT TRAVERSE/EXAMINER'S AMENDMENT**

2. Applicant's election of Group I, claims 1-14 and species of SEQ ID NO:4 in the communication filed 02/03/05 is acknowledged. Applicant has elected to prosecute the invention of Group I and species SEQ ID NO:4 without traverse.

Since claims 1-14 are allowable (*vide infra*), claims 15-22 are hereby canceled.

### **CITATION OF RELEVANT PRIOR ART**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 1) Visser et al (Eur. J. Nucl. Med. Mol. Imaging, Vol. 30, No. 8, pp. 1134-1139, August 2003) disclose the synthesis of neurotensin analogues with modified lysine and arginine derivatives to enhance stability of <sup>111</sup>In-labelled (Indium-111) DTPA-and DOTA-conjugated neurotensin analogues for imaging of exocrine pancreatic cancer.

2) Achilefu et al (J. Med. Chem., Vol. 46, No. 15, pp. 3403-3411, 2003) disclose the preparation a series of bioactive and stable neurotensin peptide analogues having high neurotensin receptor binding affinity and capable of delivering radiopharmaceuticals and molecular beacons of tumors.

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance: The references of Visser et al and Achilefu et al are cited as relevant art, these documents are not prior art because they are published after the filing date of the instant application. The closest prior art is WO 95/22341 cited by Applicant, which teaches a labeled peptide compound wherein the peptide has a selective neurotensin receptor affinity, and to a pharmaceutical composition comprising said labeled peptide compound, and to the use of such composition for diagnosis and therapy thereof. Nevertheless, the prior art of record either singularly or in combination does not teach or suggest the instantly claimed invention's labeled neurotensin analogs containing Arg

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mimics, wherein Arg mimics consist of glycine connected to a guanidine groups with a spacer having the formula  $CM-R_3-(CA)_n-AA_1-AA_2-AA_3-AA_4-AA_5-AA_6OH$ . The Arg mimics and the various species of claim 7 wherein the variant differs on CH have strong binding affinity to neurotensin receptors, and said labeled peptide compounds are stable and are useful for diagnostic and therapeutic purposes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **CONCLUSION AND FUTURE CORRESPONDANCE**

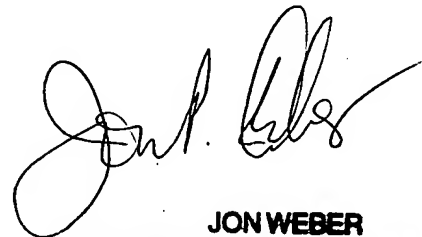
5. Claims 1-14 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (571) 272 0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**

 Mohamed/AAM  
May 5, 2005